

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*)
State Engineer,)
)
Plaintiff,)
)
v.)
)
ROMAN ARAGON, *et al.*,)
)
Defendants.)
_____)

No. CV 7941 JC

RIO CHAMA Stream System

Section 5, Rio Gallina Subsection

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

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**UNITED STATES OF AMERICA'S MOTION TO VACATE
DEADLINE FOR FILING AMENDED CLAIMS**

The United States hereby moves the Special Master to vacate the deadline of February 1, 2001 for the United States to file its amended claims, if any. In support of this Motion, the United States asserts the following:

1. By order of May 8, 2000, the Special Master required the State to report to the United States on any claims of the United States the State disputed by December 1, 2000.
2. The State's report on disputed claims has not yet been received.
3. On October 16, 2000, the State of New Mexico submitted the following report to the United States: "Report of the Evaluation of the United States Forest Service Water Rights Claims Within the Rio Gallina Sub-Basin of the Rio Chama River Basin", dated October 6, 2000. This report was a technical analysis of the United States' claims. Counsel for the State Engineer has represented that the State may have additional issues with the United State's claims.

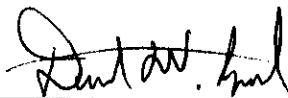
4. Absent formal identification of the State's positions, the United States has no basis to determine whether amending its claims is appropriate.
5. Counsel for the State Engineer, the Acequias Nortenas and the 37 community acequias of La Asociacion de Las Acequias del Rio Vallecitos, Tusas y Ojo Caliente and the El Rito Ditch Association have been contacted. Counsel for the United States was unable to reach Mr. Waltz, but Mr. Newvilee, Ms. Humphrey and Mr. Utton have indicated they do not oppose this motion.
6. The United States suggests that a mechanism for resolving the State's issues with respect to the United States' claims be discussed at the Status Conference scheduled for February 22, 2001.

WHEREFORE the United States respectfully requests that the Special Master grant this Motion. A proposed Order granting this motion is attached.

DATED this 29th day of January, 2001.

JOHN CRUDEN
Acting Assistant Attorney General

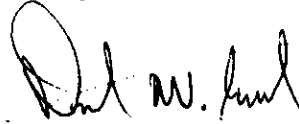
Respectfully Submitted,



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Certificate of Service

I hereby certify that the foregoing **UNITED STATES OF AMERICA'S**
MOTION TO VACATE DEADLINE FOR FILING AMENDED CLAIMS and [proposed]
ORDER has been served by placing true copies thereof in the United States mail, postage
prepaid, to the attached service list, this 29th day of January, 2001.



David W. Gehlert

**CERTIFICATE OF SERVICE LIST FOR
STATE OF NEW MEXICO V. ARAGON
CV 7941 SC**

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